

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: | Examiner: Peffley, Michael F. |
| Inventors: David K. Swanson | Art Unit: 3739 |
| App. No.: 10/727,149 | Docket No. 03-0078 (US01) |
| Filing Date: December 2, 2003 | Confirmation No. 5299 |
| Title: SURGICAL METHODS AND APPARATUS FOR MAINTAINING CONTACT BETWEEN TISSUE AND ELECTROPHYSIOLOGY ELEMENTS AND CONFIRMING WHETHER A THERAPEUTIC LESION HAS BEEN FORMED | |

RESPONSE

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria, Virginia 22313-1450

Commissioner:

This paper and the Terminal Disclaimer filed herewith are submitted in response to the non-final Office Action mailed November 10, 2008.

The listing of claims begins at page 2.

Remarks begin on page 9.

CERTIFICATE OF EFS-WEB TRANSMITTAL

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below via the USPTO-EFS-Web filing system.

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| _____ | Jocelyn L. Lee |
| | Name of Person transmitting Paper |
| February 10, 2009 | /JocelynLLee/ |
| Date of deposit | Signature of Person depositing Paper |